



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

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[www.nj.gov/health](http://www.nj.gov/health)

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lieutenant Governor

MATTHEW D'ORIA  
Acting Commissioner

February, 2010

Dear Administrator:

The New Jersey Department of Community Affairs (DCA) adopted NJAC 5:70-4.7(c)2, effective January 2, 2007 requiring all nursing homes be equipped throughout with an automatic fire suppression system installed in accordance with the New Jersey Uniform Construction Code. When adopted on January 2, 2007, nursing homes were granted three years or until January 2, 2010 to attain compliance with this rule.

As you may know, the Department of Health and Senior Services (DHSS) determines a facility's compliance during a standard survey in accordance with NJAC 8:39-31.1(c), which states that fire safety maintenance and retrofit of long-term care facilities shall comply with the Uniform Fire Safety Code (NJAC 5:18) as adopted by DCA.

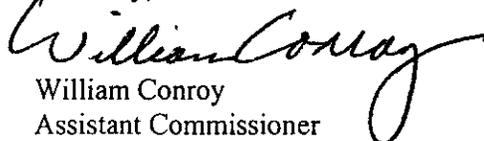
As part of a routine DHSS survey if a facility is found out of compliance, a statement of deficiencies will be mailed to the provider along with a request for a Plan of Correction (POC). Please note this will be cited as a state licensure deficiency only. The POC shall include but not be limited to:

- Attestation that the facility's evacuation plan is current.
- Copy of a facility's notice or application to the local fire official regarding efforts to retrofit and comply.
- A copy of any relevant documentation received from the local fire official.

In reviewing a POC, DHSS will consult with DCA in order to determine acceptability. It is our understanding that DCA will be communicating with local fire officials offering guidance to local fire marshals and findings will be reviewed on a case by case basis.

DHSS is working closely with DCA to ensure this requirement is met in order to protect the health and safety of residents and staff. Since the sprinkler system rule was promulgated by DCA, only that Department is in a position to respond to technical questions regarding its interpretation and compliance. For further information, please contact Lou Kilmer in DCA at (609) 633-6106.

Sincerely,

  
William Conroy  
Assistant Commissioner

C: Matthew D'Oria, Acting Commissioner, DHSS  
Charles Richman, Acting Commissioner, DCA  
Lou Kilmer, Division of Fire Safety DCA  
Alison Gibson, Director